



**One Hundred Seventeenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515**

July 28, 2021

COMMITTEE ACTION

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Wednesday, July 28, 2021, in 310 Cannon and via Cisco WebEx to consider the following measures:

- H.R. 903, (Mr. Thompson), A bill to enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration who provide screening of all passengers and property, and for other purposes. The “Rights for the TSA Workforce Act of 2021”.
- H.R. 2915, (Mr. Correa), A bill to amend the Homeland Security Act of 2002 regarding the procurement of certain items related to national security interests for Department of Homeland Security frontline operational components, and for other purposes. The “Homeland Procurement Reform Act”.
- H.R. 4089 (Mr. Gottheimer), To direct the Secretary of Homeland Security to develop and disseminate best practices for rental companies and dealers to report suspicious behavior to law enforcement agencies at the point of sale of a covered rental vehicle to prevent and mitigate acts of terrorism using motor vehicles, and for other purposes. The “Darren Drake Act”.
- H.R. 4094, (Ms. Katko), To conduct a pilot program at foreign last point of departure airports to permit passengers and their accessible property to continue on additional flights or flight segments originating in the United States without additional security re-screening, and for other purposes. The “One-Stop Pilot Program Act of 2021”.
- H.R. 4209, (Mr. Pfluger), To support remediation of illicit cross-border tunnels, and for other purposes. The “DHS Illicit Cross-Border Tunnel Defense Act”.
- H.R. 4363, (Mrs. Harshbarger), To establish a daily public reporting requirement for covered contract awards of the Department of Homeland Security, and for other purposes. The “DHS Contract Reporting Act of 2021”.

H.R. 4426, (Mr. Payne), To amend the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security planning, and for other purposes. The “Homeland Security for Children Act”.

H.R. 4611, (Mr. Torres), To direct the Secretary of Homeland Security to issue guidance with respect to certain information and communications technology or services contracts, and for other purposes. The “DHS Software Supply Chain Risk Management Act of 2021”.

H.R. 4682, (Mr. Guest), To prohibit the Secretary of Homeland Security from operating or procuring certain foreign-made unmanned aircraft systems, and for other purposes. The “Unmanned Aerial Security Act”.

H.R. 4691, (Mr. Langevin), To establish a K–12 education cybersecurity initiative, and for other purposes. The “K-12 Cybersecurity Act of 2021”.

The Committee took the following actions:

A request by Mr. Thompson to report H.R. 903, as amended, to the House with a favorable recommendation; was AGREED TO by a roll call vote of 19 Yeas to 11 Nays. A motion to reconsider was laid on the table.

A motion by Mr. Thompson that H.R. 2915, H.R. 4089, H.R. 4094, H.R. 4209, H.R. 4363, H.R. 4426, H.R. 4611, H.R. 4682, together with amendments thereto; and H.R. 4691, without amendment, be considered en bloc; the measures be agreed to; the measures be ordered to be reported to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 903, (Mr. Thompson), A bill to enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration who provide screening of all passengers and property, and for other purposes. The “Rights for the TSA Workforce Act of 2021”.

The following amendments were offered:

An amendment offered by Mr. Thompson (014) in the Nature of a Substitute to H.R. 903; was AGREED TO by voice vote

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Katko (043): Strike page 1, line 1, and all that follows and insert the following: SECTION 1. SHORT TITLE. This Act may be cited as the “Support for the TSA

Frontline Workforce Act of 2021”. SEC. 2. TSA FRONTLINE PAY INCREASES. (a) IN GENERAL.—The Administrator shall provide salary increases and adjusted compensation to covered employees, as follows: (1) 5 percent pay raise not later than one year after the date of enactment of this Act. (2) 3 percent pay raise starting one year after the pay raise described in paragraph (1) and occurring annually thereafter for three additional years. (3) A onetime disbursement of \$3,000 to each covered employee for COVID–19 Exposure Pay. [...]; was NOT AGREED TO by a roll call vote of 11 Yeas 19 Nays **RC#1**

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Watson Coleman (075): Page 2, after line 9, insert the following (and redesignate subsequent paragraphs accordingly): (4) the term “at-risk employee” means a Transportation Security Officer, Federal Air Marshal, canine handler, or any other employee of the Transportation Security Administration carrying out duties that require substantial contact with the public during the COVID–19 national emergency [...]; was AGREED to by a roll call vote of 21 Yeas to 10 Nays **RC#2**

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Katko (046): Page 2, strike lines 15 through 17, and insert the following: (4) the term “covered position” means—(A) a TSA security screener responsible for carrying out screening functions pursuant to section 44901 of title 49, United States Code; and (B) a Federal Air Marshal; Page 3, strike lines 9 and 10. Page 4, starting on line 9, strike “or section” and all that follows through “established” on line 11. Page 6, strike lines 17 through 20 (and redesignate subsequent subparagraphs accordingly). Page 15, after line 3, insert the following new section: **SEC. 12. RULE OF CONSTRUCTION.** Nothing in this Act may be construed to apply to any Transportation Security Administration personnel not holding a covered position. On page 15, strike the following: “Amend the title so as to read: ‘A bill to enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration, and for other purposes.’.”; was NOT AGREED TO by a roll call vote of 9 Yeas to 23 Nays **RC#3**

An amendment to the Amendment in the Nature of a Substitute offered by Mrs. Cammack (098): Insert at the end the following new section: **SEC. 12. AUTHORITY OF THE ADMINISTRATOR.** Nothing in this Act shall be construed to limit the Administrator’s authority to immediately impose new security screening procedures or requirements, or change existing security screening procedures or requirements, to address a national security or public safety threat, as determined by the Administrator. Any such procedures or requirements shall not be subject to collective bargaining.; was NOT AGREED TO by a vote of 11 Yeas to 21 Nays **RC#4**

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest (106): Insert at the end the following new section: **SEC. 12. SUNSET**

WITHOUT APPROPRIATIONS. This Act and all requirements therein shall sunset at the end of fiscal year 2022 if sufficient funds have not been specifically appropriated to carry out the Act and such requirements.; was NOT AGREED TO by a roll call vote of 11 Yeas to 20 Nays **RC#5**

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Gimenez (099): Insert at the end the following new section: **SEC. 12. LIMITATION OF DHS APPROPRIATIONS.** Funds appropriated to the Department of Homeland Security may not be utilized to carry out this Act or the requirements therein unless specifically appropriated to carry out this Act and the requirements therein.; was NOT AGREED TO by a roll call vote of 11 Yeas to 19 Nays **RC#6**

A request by Mr. Thompson to report H.R. 903, as amended, to the House with a favorable recommendation; was AGREED TO by a roll call vote of 19 Yeas to 11 Nays. **RC#7** A motion to reconsider was laid on the table.

H.R. 2915, (Mr. Correa), A bill to amend the Homeland Security Act of 2002 regarding the procurement of certain items related to national security interests for Department of Homeland Security frontline operational components, and for other purposes. The “Homeland Procurement Reform Act”.

The following amendments were offered:

An amendment offered by Mr. Correa (016): Amendment in the Nature of a Substitute; was AGREED TO by voice vote

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Norman (054): Page 2, lines 14, insert “of clothing or protective equipment” after “item”. Page 3, line 18, insert “or supplied” after “manufactured”; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 2915 to the House, as amended, with a favorable recommendation; was AGREED TO by voice vote

H.R. 4089 (Mr. Gottheimer), To direct the Secretary of Homeland Security to develop and disseminate best practices for rental companies and dealers to report suspicious behavior to law enforcement agencies at the point of sale of a covered rental vehicle to prevent and mitigate acts of terrorism using motor vehicles, and for other purposes. The “Darren Drake Act”.

The following amendments were offered:

An amendment offered by Mr. Norman (011): Page 2, line 15, strike “relevant rental industry stakeholders” and insert the following: “Federal, State, local, and Tribal law enforcement agencies and relevant transportation security stakeholders”. Page 3, line 2, at the end of subparagraph (A), strike “and” and insert the following new subparagraph (B): (B) Federal, State, local, and Tribal law enforcement agencies; and Page 3, line 3, redesignate subparagraph (B) as subparagraph (C).; was AGREED TO by voice vote

An amendment offered by Ms. Jackson Lee (057): Page 2, after line 15, insert the following: (3) GUIDANCE ON SUSPICIOUS BEHAVIOR.—The Secretary shall include, in the best practices developed under paragraph (1), guidance on defining and identifying suspicious behavior in a manner that protects civil rights and civil liberties.; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 4089, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 4094, (Ms. Katko), To conduct a pilot program at foreign last point of departure airports to permit passengers and their accessible property to continue on additional flights or flight segments originating in the United States without additional security re-screening, and for other purposes. The “One-Stop Pilot Program Act of 2021”.

The following amendment was offered:

An amendment offered by Mr. Thompson: Page 2, line 6, strike “ten” and insert “six”. Page 2, line 15, strike “subsection (c)” and insert “subsection (d)”. Page 2, line 18, strike “prior to” and insert “until the”. Page 3, beginning line 1, insert the following (and make necessary conforming changes): [...]; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 4094, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 4209, (Mr. Pfluger), To support remediation of illicit cross-border tunnels, and for other purposes. The “DHS Illicit Cross-Border Tunnel Defense Act”.

The following amendment was offered:

An amendment offered by Ms. Slotkin (041): In section 2(a)(1), in the matter preceding subparagraph (A), insert “, in coordination with the Under Secretary for Science and Technology, and, as appropriate, other officials of the Department of Homeland Security,”. In section 2(b), strike “carry out remediation operations of illicit cross-border tunnels.” and insert the following: “carry out—(1) the development of the strategic plan pursuant to subsection (a); and (2) remediation operations of illicit cross-border tunnels in accordance with such strategic plan to the maximum extent practicable.”; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 4209, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 4363, (Mrs. Harshbarger), To establish a daily public reporting requirement for covered contract awards of the Department of Homeland Security, and for other purposes. The “DHS Contract Reporting Act of 2021”.

The following amendment was offered:

An amendment offered by Ms. Jackson Lee (087): Page 2, line 17, insert “, and whether such vendor is considered a small business” before the semicolon. Page 2, line 20, strike “and”. Page 2, beginning line 21, insert the following: (J) whether such award requires a small business subcontracting plan; and Page 2, line 21, strike “(J)” and insert “(K)”. Page 2, line 24, strike “the next” and insert “two”. Page 3, line 1, strike “day” and insert “days”. Page 4, line 8, insert “that increase the total value, expand the scope of work, or extend the period of performance” before the semicolon. Page 4, line 9, strike “single or”. Page 4, line 10, insert “or multiple-agency” after “award”. Page 4, beginning line 24, insert the following: (5) SMALL BUSINESS.— The term “small business” means an entity that qualifies as a small business concern, as such term is described under section 3 of the Small Business Act (15 U.S.C. 632). Page 4, line 24, strike “(5)” and insert “(6)”. Page 5, line 4, strike “(6)” and insert “(7)”; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 4363, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 4426, (Mr. Payne), To amend the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security planning, and for other purposes. The “Homeland Security for Children Act”.

An amendment offered by Mr. Payne (028): Amendment in the Nature of a Substitute; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 4426, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 4611, (Mr. Torres), To direct the Secretary of Homeland Security to issue guidance with respect to certain information and communications technology or services contracts, and for other purposes. The “DHS Software Supply Chain Risk Management Act of 2021”.

An amendment offered by Ms. Jackson Lee (056): Page 3, beginning line 10, strike “security”. Page 3, line 11, insert “affecting the security of the end product or service” after “defects”. Page 3, line 21, strike “security”. Page 3, line 22, insert “affecting the security of the end product or service” after “defect”. Page 4, line 16, insert “(whether new or reused)” after “components”; was AGREED TO by voice vote

An amendment offered by Mr. Clyde (054): Redesignate subsection (h) as subsection (i). Insert after subsection (g) the following new subsection: (h) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Secretary, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes— (1) a review of the implementation of this section; (2) information relating to the engagement of the Department of Homeland Security with industry; (3) an assessment of how the guidance issued pursuant to subsection (a) complies with Executive Order 14208 (86 Fed. Reg. 26633; relating to improving the nation’s cybersecurity); and any recommendations relating to improving the supply chain with respect to covered contracts.; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 4611, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 4682, (Mr. Guest), To prohibit the Secretary of Homeland Security from operating or procuring certain foreign-made unmanned aircraft systems, and for other purposes. The “Unmanned Aerial Security Act”.

The following amendment was offered:

An amendment offered by Mr. Thompson (002): Page 3, line 10, strike “The Secretary” and insert the following: (1) IN GENERAL.—The Secretary Page 3, line 20, redesignate paragraph (1) as subparagraph (A) and adjust the margins accordingly. Page 3, line 22, redesignate paragraph (2) as subparagraph (B) and adjust the margins accordingly. Page 4, line 1, redesignate paragraph (3) as subparagraph (C) and adjust the margins accordingly. Page 4, beginning line 4, insert the following: (2) NOTICE.—The certification described in paragraph (1) shall be submitted to the Committees specified in such paragraph by not later than the date that is 14 days after the date on which a waiver is issued under such paragraph. Page 6, line 1, insert “, including an identification of the component or office of the Department at issue”, after “Department”.; was AGREED TO by voice vote

A request by Mr. Thompson to report H.R. 4682, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote

H.R. 4691, (Mr. Langevin), To establish a K–12 education cybersecurity initiative, and for other purposes. The “K-12 Cybersecurity Act of 2021”.

A request by Mr. Thompson to report H.R. 4691 to the House with a favorable recommendation; was AGREED TO by voice vote

Without objection, the amendments agreed to at today’s markup will be reported to the House in the form of one amendment in the nature of a substitute for each bill.; was NOT OBJECTED TO

Without objection, staff is authorized to make technical and conforming changes to all measures to reflect the actions of the Committee.; was NOT OBJECTED TO

A unanimous consent request by Mr. Guest that, pursuant to Rule XI clause 2(1), Members may have two days in which to file any supplemental, minority, or additional views on H.R. 903, H.R. 2915, H.R. 4089, H.R. 4094 H.R. 4209, H.R. 4363, H.R. 4426, H.R. 4611, H.R. 4961, H.R. 4682; was NOT OBJECTED TO

